

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY JONES, *et al.*,

Plaintiffs,

Case No. 21-cv-10441

Hon. Matthew F. Leitman

v.

CITY OF DETROIT, *et al.*,

Defendants.

/

ORDER RESOLVING PENDING MOTIONS
(ECF Nos. 34, 35, 37, 41, 43, 44, 45, 47, and 59)

On October 12, 2023, the Court held an in-person hearing on a number of pending motions. For the reasons stated on the record during that hearing:

1. Defendants' Motion for Summary Judgement Regarding Monell and 14th Amendment Claims (ECF No 59) is **GRANTED**. The sole claim for trial in Count 3 of the Amended Complaint shall be Plaintiffs' claims under 42 U.S.C. §1983 for violation of the 4th Amendment against the individual Defendants.
2. Plaintiffs' Motion in Limine #1: Prohibit Impeachment By Plaintiffs Criminal Record (ECF No. 34) is **GRANTED**. Defendants shall not mention any prior criminal record of either Plaintiff unless and until (a)

they seek permission to do so outside the presence of the jury and (b) the Court grants such permission.

3. Plaintiffs' Motion in Limine #2: Order For Adverse Jury Instruction—
Spoilation of Evidence (ECF No. 35) is **TERMINATED** as moot.
4. Defendants' Motion Striking Plaintiff's Untimely Requests for
Admissions (ECF No. 41) is **TERMINATED** as moot.
5. Defendants' Motion in Limine #1: To Exclude Reference to Detroit
Police Department and Defendants' Past or Subsequent Negligence,
Bad Act, and Any Controversies Involving the City of Detroit,
Defendants, or Any Other DPD Officer (ECF No. 43) is **GRANTED**.
Plaintiffs shall not mention these matters unless and until (a) they seek
permission to do so outside the presence of the jury and (b) the Court
grants such permission.
6. Defendants' Motion in Limine #2: To Exclude Any Reference to Prior
Litigation Between the Parties (ECF No. 44) is **GRANTED**.
7. Defendants' Motion in Limine Re Golden Rule (ECF No. 45) is
GRANTED.
8. Defendants Motion in Limine #4 To Prevent Plaintiffs From
Introducing Criminal Trial Transcript or Any Findings of Fact By Judge
Catherine Heise (ECF No. 47) is **DENIED IN PART** and **GRANTED**

IN PART. The motion is denied to the extent Defendants seek a blanket ban on admitting testimony from the state criminal trial. The Court grants this motion to the extent it seeks to prevent the admission of any portion of the ruling by the state trial court.

Plaintiffs have additionally submitted ECF No. 37 entitled “Plaintiffs’ Motion In Limine #1: Prohibit Impeachment By Plaintiffs Criminal Record.” This motion duplicates ECF No. 34 (also entitled “Plaintiffs’ Motion In Liminae #1: Prohibit Impeachment By Plaintiffs Criminal Record”). The Court therefore **TERMINATES** ECF No. 37 as moot.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: October 19, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 19, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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